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09/259,991	03/01/1999	CHRIS W. MAHNE	240/218	5948

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EXAMINER

SMITHERS, MATTHEW

ART UNIT	PAPER NUMBER
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2137

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 30

Application Number: 09/259,991

Filing Date: March 01, 1999

Appellant(s): MAHNE ET AL.

Steven Sereboff, Reg. No. 37,035
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/12/03.

(1) Real Party Of Interest

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences. The brief does contain a statement identifying a reexamination that may directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

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Appellant's brief includes a statement that claims in group A, group B, group C and group D do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,584,023	Hsu	12-1996
6,249,866	Brundrett et al	6-2001
5,815,571	Finley	9-1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 59, 68-73, 75, 76, 78 and 79 are rejected under 35 U.S.C. 103. This rejection is set forth in prior Office Action, Paper No. 22.

(11) Response to Argument

Appellant has chosen to argue the appealed claims in four distinct groupings A, B, C, and D. In Group A, appellant argues the combination of Hsu and Brundrett fails to teach comparing the decryption key to another element in the validation process (see page 8, paragraph 3 of appellant's arguments).

First, in response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which appellant relies (i.e., a validation process where the decryption key is compared to another element) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

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specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Group A's claims recite the limitation of "validating the decryption key value with the key value associated with the file identifier". Hsu does show a validation process where a decryption key value is used against the contents of an enode structure. First, the password key, which is not the decryption key, is obtained from the user and is applied to a shuffle function that uses the respective encryption/decryption tables to generate encryption/decryption key values (see column 11, lines 45-55 and column 12, lines 18-53). Next, the key value is appended to the enode structure of a file that has been created so that each subsequent access to the file will cause the file system to first prove the existence of the enode structure prior to allowing a read or write operation (see column 13, line 66 to column 14, line 58). This validation process compares the contents of the enode structure with the specific key value (see column 14, lines 53-58).

For Group B, in response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which appellant relies (i.e., generating based on the file) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Group B's claims recite the limitations of "generating a file identifier from the encryption key, an algorithm identifier associated with the selected algorithm and a data identifier associated with the file." Examiner contends Hsu does teach or suggest

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appending an enode data structure (file identifier) to a regular file after the file has been transformed through the use of an encryption table which serves as the encryption key. The encryption table (encryption key) is formed through a shuffling/index value substitution function applied to the password key and seed table (see column 12, line 25 to column 12, line 26). Through this process, data values (data identifiers) are created and are associated arithmetically to the decryption index values of the decryption table (see column 12, lines 27-49). The contents of the identified enode structure (file identifier) can be used in the authentication of the encrypted data. This file identifier has associated data identifiers which are part of the encryption table (encryption key).

For Groups C and D, appellant relies upon the arguments given for Group A. As such the examiner kindly refers back to the response given to Group A above to address the arguments of Groups C and D.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Matthew B. Smithers
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Primary Examiner

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January 24, 2004

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